IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Tsuyoshi Nishiwaki et al.
Serial No.: CONTINUATION OF 10/132,013
Filed:
For: MIDSOLE INCLUDING CUSHIONING STRUCTURE
Examiner: Stashick, Anthony
Art Unit: 3728

PRELIMINARY AMENDMENT
DECLARATION UNDER 37 CFR 1.132

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

In the Application:

Page 1, after the Title insert the following:

– – *Related Applications:*

This application is a continuation application of US Serial Number 10/132,013 filed on 04/25/2002 which claims the foreign priority of the following Japanese applications: Serial Number 2001-141157 filed on May 11, 2001, 2001-198609 filed on June 29, 2001 and 2002-63522 filed on April 8, 2002. The entire disclosures of all of these applications are incorporated herein by reference. – –

In the Claims:

Delete claims 5-9, 11 and 12 from in the application as filed herewith prior to calculating the government filing fee:

1. (Original) A midsole including a cushioning structure, which is provided between an outer sole and an upper and is suitable for absorbing a shock of landing, wherein:

the cushioning structure comprises a thick plate-shaped or column-shaped cushioning portion;

a plurality of grooves is formed on an outer peripheral surface of the cushioning portion;

the respective grooves are helically formed around a substantially vertical axial line;

the respective grooves are arranged substantially parallel with each other; and

a range in which each of the grooves is formed is larger than a range of 15 degrees around the axial line and smaller than a range of 180 degrees around the axial line.

2. (Original) A midsole including a cushioning structure according to claim 1, wherein a lead angle between the groove and a horizontal plane is set within a range of 35 degrees to 60 degrees.

3. (Original) A midsole including a cushioning structure according to claim 1, wherein:

the respective grooves are provided to be continuous from an upper end of the cushioning portion to a lower end of the cushioning portion; and

the lead angle is set to be substantially constant from the upper end to the lower end.

4. (Original) A midsole including a cushioning structure according to claim 1, wherein the outer peripheral surface of the cushioning portion is formed to be taper-shaped.

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10. (Original) A midsole having a cushioning structure, which is provided between an outer sole and an upper and is suitable for absorbing a shock of landing, comprising:

a midsole body defining a cavity; and

a cushioning part fitted in the cavity, wherein:

the cushioning part is formed of elastomer;

Young modulus of a member constituting the cushioning part is set to be a value smaller than Young modulus of a member constituting the midsole body;

the cushioning part is formed into a plate shape having an upper surface and a lower surface;

a plurality of helical grooves and/or convex portions is formed on at least one of the upper surface and the lower surface of the cushioning part; and

a thickness of the cushioning part is gradually changed along the grooves and/or the convex portions.

11. DELETED.

12. DELETED.